

In The Matter Of:

*Judicial Watch, Inc., and True The Vote -v-
J. Bradley King, Trent Deckard and Connie Lawson*

Terrence Coleman

May 28, 2013

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF INDIANA (INDIANAPOLIS)

3 JUDICIAL WATCH, INC., and)
4 TRUE THE VOTE,)
5 Plaintiffs,)

6 -vs-)

7 J. BRADLEY KING, TRENT)
8 DECKARD, and CONNIE LAWSON,)
9 Defendants.)
10 -----)

Case No.
1:12-cv-00800-WTL-TAB

11 The Deposition of TERRENCE A. COLEMAN

12 Date: Tuesday, May 28, 2013

13 Time: 1:04 p.m.

14 Place: Thorne Grodnik, LLP
15 420 Lincolnway West
16 Mishawaka, Indiana

17 Called as a witness by the Plaintiffs in
18 accordance with the Rules of the United
19 States District Court, Southern District of
20 Indiana, Indianapolis Division, pursuant to
21 Notice.

22 Before Sharon L. Brady, Court Reporter
23 and Notary Public

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On behalf of the Deponent.

* * *

I N D E X

THE DEPOSITION OF
TERRENCE A. COLEMAN

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* * *

1 TERRENCE A. COLEMAN,
2 called as a witness by the Plaintiffs, having been
3 first duly sworn, was examined and testified as
4 follows:

5 DIRECT EXAMINATION

6 BY MR. FEDELI:

7 Q Good morning.

8 A Good morning.

9 Q My name is Chris Fedeli. I'll be taking your
10 deposition today.

11 A Okay.

12 Q Could you please state your name for the record?

13 A Terrence, T-e-r-r-e-n-c-e, middle initial A.,
14 Coleman, C-o-l-e-m-a-n.

15 Q Okay. And I'm joined by my co-counsel, Josh
16 Bolinger, and --

17 MR. GARN: Jefferson Garn from
18 the Office of the Attorney General.

19 MR. WOODS: For the record, this
20 is Jamie Woods on behalf of the
21 deponent.

22 Just, I guess, a preliminary
23 matter. We're going to return the
24 check for the witness fee today in the
25 amount of \$65 back to counsel for

1 got pretty good at it. I mean, everyone brings
2 their little problem, people they think are dead
3 or -- to me and I check into it. I wrote a memo
4 to Marsha Carrington, the HAVA administrator.
5 And she obviously has a big part in SVRS. I
6 wrote her a memo in which I talked about the two
7 issues, I mean the two primary reasons, and
8 suggested some fixes for them.

9 Now, they don't solve the whole problem.
10 But they're -- they're -- what I would say is
11 they're an attempt to make SVRS a little more
12 effective coming up with dead people. And I
13 explained -- in this memo, I explained what I
14 just explained to you, those two primary issues.

15 And my suggestions were, is, can you do a
16 couple of things? Number one is, can you -- we
17 have access -- and I'm sorry. Let me step back,
18 is we have access -- something I just discovered
19 in the last month or so just by happenstance, we
20 have access to the Department of Health's
21 maintenance file. It's kind of like a back door
22 into it. It's not -- it has a little search
23 function that I think is very limited.

24 So, I just can't find all of the dead people
25 that they have on file for St. Joe County. But

1 if I have a pretty good idea you're -- you know,
2 I know you were -- you're in St. Joe County and
3 you die, you know, I might punch your name in
4 there and I might find you in the maintenance
5 file. That means, bingo, you're in there.
6 You're dead.

7 And then -- so, I made a suggestion. I
8 said, "Here's my fix, that I'm proposing that you
9 create a search field by county in the Department
10 of Health's maintenance file." So, that way, I
11 can just -- I can just type in whatever --
12 however it is, St. Joseph or Number 71 or however
13 it is they set it up, I can put that in the field
14 and then, boom, it will -- maybe I'll put some
15 other parameter in there, maybe a birthdate.

16 And then I can get everybody born on such
17 and such a birthdate that's in the entire
18 Department of Health file from St. -- that's dead
19 from St. Joe County.

20 Q Just so I understand --

21 A That way, I can find matches.

22 Q And when you say the DOH maintenance file, these
23 would be filled with names of deceased people
24 whom you wouldn't have gotten a hopper item for?
25 Is that why you want to search them?

1 A Correct. Exactly. They're -- somehow, SVRS has
2 a little portal into their maintenance file. I
3 didn't know about this until, I don't know, a
4 month ago. I was just kind of -- someone else in
5 the office who had a little more experience on
6 SVRS said, you know, "Here. Here's this -- this
7 thing."

8 "Oh, yeah. What's this?" And I found out
9 that this could be a very useful tool. And, so,
10 I've been able to find a lot of people that way.
11 But it's a hit or miss when it doesn't have a
12 very good search function.

13 So, that's why I suggested here, let's --
14 let's start small. Throw in a -- throw in a
15 search field by county. And I can -- I can find
16 out who's in there from St. Joseph County.

17 Now, it's kind not gonna solve all my
18 problems. But I bet you I'll find -- I bet you
19 I'll find -- if that happens, I'll find scores
20 more of folks that are deceased.

21 I made a second suggestion. In SVRS,
22 there's a -- independent of the DOH hopper, we
23 have this little -- this little button that says
24 DLN, Driver's License Number, Info. So, if you
25 hit this button, it will -- I can pull up your

1 record, Chris Fedeli. There you are. You live
2 in Indianapolis, for example.

3 And we -- we hit this DLN button, and it
4 will give me your driver's license information.
5 It'll tell me, you know, what kind of license you
6 have, when -- if it's current, when it expires,
7 blah, blah, blah, blah, blah.

8 It also has a single match function. And
9 the best I can tell, it's -- it's connected to
10 some Social Security database. And it's awesome
11 because you died yesterday. There's a good
12 chance you -- it knows, unlike the DOH hopper
13 which can take -- they tell you it can take up to
14 60 days.

15 This must be the national Social Security
16 database. And when you -- and I've been learning
17 more. I've been asking. I've been talking to
18 the Health Department, Coroner's Office, going
19 online, trying to find out how it all works.

20 And I found out that and I'm -- I'm
21 surmising that this database finds out about you
22 dying the night the funeral home takes your body
23 in and types in on a computer your Social
24 Security number, bingo, you're dead.

25 So, this little feature is dynamite because

1 Quest if you have questions about the technical
2 issues?

3 A Yes. I've called the help desk and asked
4 questions.

5 Q And how often have you contacted them?

6 A I don't know. About a dozen times in the last --
7 at least a dozen times in the last -- you know,
8 since I've been there.

9 Q Did you go to a -- did you go to the meeting, the
10 meeting for the -- in July of last year on --

11 A Yes.

12 Q -- voter registration?

13 A Yes.

14 Q Do you remember what was discussed at that
15 meeting?

16 And when I say discussed, I mean like the
17 topics of the official discussions.

18 A Somewhat, yes. I remember some of them.

19 Q Can you tell me what that was, what those were?

20 A Well, I know one subject they did talk about.
21 They talked about voter list maintenance.

22 Q What did they say there?

23 A They had a slide show, and they -- they outlined
24 the SOP for -- for the prescribed method by which
25 to do voter list maintenance.

1 Q And you also said that you -- I believe you said
2 that you and Frank spoke to Trent, was it, about
3 some of your concerns?

4 A Well, actually, we ended up -- we may have. But
5 we basically talked to Michelle Brzycki that
6 particular day that I recall.

7 Q And how did that happen? Did you just go out and
8 contact her or was there a time when there was
9 mingling or --

10 A I think it was a time when there was mingling.

11 Q Okay.

12 A Right there in the room, like a break. And --

13 Q Did you feel like there was --

14 A Someone pigeonholed somebody or -- yeah.

15 Q And you said there was a slide show. Were any
16 materials given to the participants?

17 A Oh, yeah, the -- the -- you know, as all
18 conferences, the printout of the slides on the
19 page.

20 Q Do you remember if you were ever encouraged to
21 contact the Election Division if you had
22 questions or if you --

23 A Sure. Yeah. We were encouraged to contact them.

24 Q Were you encouraged to do the voter list
25 maintenance would you say?

1 A If I had a hundred thousand dollars, I would've.
2 I would've been encouraged to do it. We made
3 every effort to get our hands around the issue.
4 I -- I -- as I told you, I spoke with Leslie
5 Barnes on the phone about -- not only to get a
6 complete understanding of what was required, this
7 was prior to the July meeting, but also not
8 any -- not any help on how to get a hundred
9 thousand dollars.

10 And we asked specifically about would our
11 county have the ability to get the list from the
12 post office, which seemed to be -- at least my
13 understanding at that moment, seemed to be a more
14 efficient way of going about undertaking the
15 process by which to inactivate voters.

16 You know, I must say this. And I know you
17 didn't ask. But it was very obvious to me during
18 the presentation of the voter list maintenance
19 program at that July conference that most of the
20 folks in the room had no idea this was the way to
21 do it. And it was very clear to me that there
22 was not a universal understanding of how to go
23 about that.

24 There were people in the room who believe
25 that if you hadn't voted in two election cycles

1 that that automatically was reason to cancel you
2 from voting.

3 Q Did they -- did anyone disabuse -- did anyone
4 from the state disabuse those people of that
5 notion that --

6 A I'm not familiar with that. Sorry.

7 Q Sorry. Did anyone make it clear that that was
8 not allowed?

9 A Oh, yeah. They made it clear. Well, actually,
10 let me -- let me -- let me pull back and say they
11 made an effort. Now, how clear they were, I -- I
12 don't know.

13 Q I'm sorry. Just so we're clear on who we're
14 talking about, so who was in attendance at this
15 meeting?

16 A Clerks and voter registration people from all
17 across the State of Indiana.

18 Q So --

19 A And they -- when this -- this was the liveliest
20 discussion of the whole conference, of the -- of
21 the two -- of the two-day conference that we were
22 there. You know, it was just one of those things
23 that you just did it and all of sudden the room
24 came alive.

25 And it was obvious to me that not everybody

1 Q Why not?

2 A -- just because I knew that you moved.

3 Q Why won't you?

4 A Well, because I'm not allowed to. Now, I might
5 mail you a cancellation form. And then you
6 would, on your own volition, fill it out.

7 Or when you registered to vote in Arlington
8 County, then they would send us a little notice
9 saying that you registered there and that I
10 was -- I was free to cancel you. But the law
11 doesn't permit me to just cancel you just because
12 I knew or -- because I personally knew that you
13 moved.

14 That's much like the deceased. I can't just
15 cancel my own mother even though she passed away.
16 I can't just cancel her just because of that. I
17 have to follow the rules that say that she's got
18 to come through the DOH hopper or through what
19 we -- you know, the BMV button, the DNL -- DLN
20 information. Those are the only ways I'm
21 supposed to cancel you.

22 Q So --

23 A Now, if I -- if you died yesterday and I knew
24 that, I just can't cancel you.

25 Q So, when you get information from the hopper, is

1 there ever a time when you have a certain level
2 of discretion as to whether to cancel that person
3 or not?

4 A Yes. It's implied because -- I mean, it's
5 implied because we're the only ones that can do
6 it. I mean, the Department of Health doesn't
7 cancel them. SVRS doesn't cancel them. They
8 throw it to us, and it's up to us to decide if
9 it's a match.

10 You know, they might have a confidence
11 factor listed, 75 percent. But maybe that's a
12 fluke. Maybe there's someone else a lot like you
13 that has -- shares some similar information and
14 it's not really you or -- and, so, it's up to us
15 to finally decide that it's a match, boom.

16 Ultimately, yeah. I mean, there is some --
17 the discretion is in deciding whether or not it's
18 a match.

19 Q Are you careful in exercising that discretion?

20 A I think so.

21 Q Why?

22 A Because I certainly won't want to cancel someone
23 who shouldn't be canceled.

24 Q Why not?

25 A Well, because that would prevent -- that would

1 take away -- I would be taking away their right
2 to vote, which I think is one of the most
3 important -- you know, one of the most important
4 things that we do.

5 Now, I'm not saying that this gives one, you
6 know, cart blanche to cancel people. But I also
7 know -- and people are human and they do make
8 mistakes.

9 If I did make a mistake -- and I know they
10 happen. I mean, I've seen it. If you showed up
11 to vote on election day and we -- I personally
12 canceled you by mistake, I have the power to
13 grant you a COE, certificate of error, that would
14 give you the right to vote on election day.

15 Now, obviously we don't want that to be a
16 common thing. But it is a failsafe that's
17 available to us.

18 Q But even with these failsafe mechanisms in place,
19 you still have obligations that you have to have
20 a certain level of confidence before you cancel
21 someone's registration?

22 A Yeah. We should have pretty high confidence.
23 There's no question about that.

24 Q All right. Just briefly on the colleges, you
25 were asked about any conversations you might have

1 with colleges letting you know when someone's
2 moved out. You said that -- I believe you said
3 that you hadn't had any conversations with them.

4 A You know, I've had conversations about
5 registering college students. But specifically
6 about knowing whether they've moved or not, I
7 don't recall.

8 Q Do you see any issues with that, like
9 confidentiality or any other problems with a
10 college providing you with that kind of
11 information?

12 A I know -- I think I understand what you're asking
13 me. I've never approached a college and asked
14 them for that kind of information.

15 Q Is one reason why that might not have happened is
16 you just don't see the colleges particular to
17 St. Joseph County as being a particularly -- a
18 specific cause of any problems that the county
19 may have with voter registration?

20 A Well, it certainly doesn't -- I'd challenge
21 anyone who says that it's college students that
22 account for the excess voter registrations in
23 St. Joseph County. I would challenge anybody who
24 would contend that.

25 That doesn't mean that there aren't. I have

1 Q Right. But -- I'm sorry. I thought -- yes.

2 Absolutely. But that's -- sorry. Scratch that.

3 So, you think as far as what the state could
4 do or at more the local level is a countywide
5 voting -- the mailing, or the second thing is you
6 see a problem with the NVRA or Help America Vote
7 Act and the obligations there?

8 MR. WOODS: I'm going to object
9 to the extent I think you're -- you're
10 coloring his testimony regarding the
11 second.

12 The way I interpreted it was
13 there's one or two things that can
14 happen. They can undertake this voter
15 list program or perhaps they can do
16 something at the federal level. I
17 didn't hear him express any
18 displeasure about anything. So,
19 that's my objection.

20 BY MR. GARN:

21 Q Do you have any displeasure with the requirements
22 of the federal law?

23 MR. WOODS: You may answer the
24 question.

25 A Okay. I do. I think the law is -- I think it's

1 particularly cumbersome. I think it's
2 impractical. And, but, that's just my opinion.
3 I'm just one person out there. And, but, since
4 you asked, yes, I do.

5 I think it's -- I think that's why we have
6 lots of problems and, you know, with our voter
7 registration numbers; not just in St. Joseph
8 County, but in a lot of other counties.

9 It's -- since you asked, it's -- it's
10 tantamount to an unfunded mandate. And I would
11 like to believe that there's a better way by
12 which counties can maintain accurate voting rolls
13 than to have to follow this process.

14 But, simultaneously, I know it is the law
15 and -- and it's -- that's why I said that's why
16 the other option is possible is because the only
17 other way to do it then is to undertake that law
18 and follow it. And unfortunately for us is that
19 it's a very expensive proposition and we -- we're
20 doing our best with what we have. We're doing
21 our best to churn butter with a toothpick.

22 BY MR. GARN:

23 Q Are you aware of the -- are you familiar with the
24 recent legislation passed by the General Assembly
25 about elections?

1 A Somewhat familiar.

2 Q Are you aware of the statewide mailing that's
3 been funded through the most recent budget?

4 A Yes. I'm aware of that.

5 Q Do you think that would be helpful?

6 A Oh, it'll be helpful. It will be helpful. And
7 it's still gonna take four years to remove what,
8 in my opinion, is 50,000 voters in St. Joseph
9 County who don't belong on the rolls. But, yes,
10 it'll be helpful.

11 Q Are you aware of the changes -- well, scratch
12 that. Nevermind.

13 Just briefly about the mailing that the
14 county undertook as part of the redistricting,
15 were those targeted to certain areas or was
16 that -- how was it decided where the -- who would
17 get the mail, who would get the letters or the --

18 A How it was decided? It was decided by all those
19 who were affected by -- by redistricting.

20 Q So --

21 A And it, you know -- and more importantly, if --
22 if -- if someone thought that there would be any
23 discrimination in the mailing, then it would be
24 logical then there must have been discrimination
25 in the redistricting.

1 And, therefore, someone -- that's the real
2 issue. And if there was -- if there was
3 discrimination in their redistricting, someone
4 should've brought that to somebody's attention.
5 But I know that wasn't the case, that that wasn't
6 the case. I mean, this -- that process underwent
7 every -- everybody's eyes.

8 And that's why I feel personally that a
9 mailing such as that isn't inherently
10 discriminatory, because what it represented --
11 what it represented was a nondiscriminatory
12 process, at least so we think, that -- when our
13 county went under reprecincting.

14 Q That's just about it. Let me -- do you see the
15 voter -- your work to maintain the rolls, do you
16 see that as an ongoing process?

17 A Yes.

18 Q Why is that?

19 A Well, because your -- your voter list is always
20 evolving. People are dying every day. People
21 are -- people are moving in and out of your
22 county every day. People are moving in and out
23 of your state every day. People are becoming 18
24 and registering for the first time. It -- you
25 know, it's a lot like our census. I mean, you